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OFFICE OF PETITIONS

In re Application of	:	
Dershem, et al.	:	
Application No. 10/735,119	:	ON PETITION
Filed: December 11, 2003	:	
Attorney Docket No. QUANT1350-1 (028248-2302)	:	
For: BENZOXAZINES, THERMOSETTING RESINS COMPRISED THEREOF, AND METHODS FOR USE THEREOF	:	

This is a decision on the petition under 37 CFR 1.181, filed November 6, 2007, requesting that the Office withdraw the holding of abandonment of the above-identified application. In the alternative, petitioners request revival of the application under the unintentional delay provisions of 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed April 3, 2007, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on July 4, 2007 for failure to reply to the April 3, 2007 non-final Office action. A Notice of Abandonment was mailed on October 31, 2007.

It is noted that the only ground of rejection discussed in the April 3, 2007 non-final Office action was nonstatutory obviousness-type double patenting.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a proper reply, in the form of a terminal disclaimer, was timely received in the Office on May 29, 2007. The undersigned finds this argument completely convincing, as the terminal disclaimer is

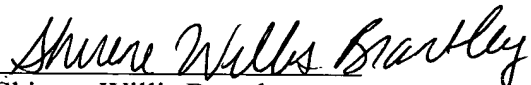
present in the application file and Office financial records shows that the terminal disclaimer fee was charged on May 29, 2007. The terminal disclaimer was timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the October 31, 2007 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

The petition under 37 CFR 1.137(b) is **dismissed as moot**. The \$1,540.00 petition fee will be refunded to deposit account no.

Accordingly, the application file will be forwarded to Technology Center A.U. 1796 for consideration of the terminal disclaimer filed on May 29, 2007 and the supplemental amendment filed on November 6, 2007.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
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Office of the Deputy Commissioner
for Patent Examination Policy